BILL NO. Z-73-11-35

ZONING ORDINANCE NO. Z-Wilkerson

AN ORDINANCE amending the City of Fort Wayne Zoning Map No. FF11 and FF13.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the area described as follows is hereby designated an M2 district under the terms of Chapter 36, Municipal Codes of the City of Fort Wayne, Indiana, 1946, as amended by General Ordinance No. 2836 and amendments thereof, and the symbols of the City of Fort Wayne Map No. FF11 and FF13 referred to therein, established by Section 9, Article III of said Chapter as amended are hereby changed accordingly, to-wit:

All of the Southeast Quarter of the Northeast Quarter Southeast of I-69 and all of the East Half of the Southeast Quarter of Section 29, Township 31 North, Range 12 East, Allen County, Indiana, more particularly described as follows, to wit:

Beginning at the Southeast corner of the Southeast Quarter of said Section 29; thence N 00°-39'-40" W, on and along the East line of said Southeast Quarter, being also the centerline of Hillegas Road, 2641.6 feet to the East Quarter corner of said Section 29; thence N 00°-49'-40" W, on and along the East line of the Southeast Quarter of the Northeast Quarter of said Section 29, continuing along the center line of Hillegas Road, 1324.9 feet to the Northeast corner of the Southeast Quarter of said Northeast Quarter; thence N 89°-41'-40" W, on and along the North line of the Southeast Quarter of said Northeast Quarter, 720.7 feet to the Southeasterly right-of-way of Interstate Highway 69; thence S 37°-52'-20" W, on and along said right-of-way, 934.24 feet to the West line of the Southeast Quarter of said Northeast Quarter; thence S 00°-25'-30" E, on and along said West line, 578.5 feet to the Northwest corner of the East Half of the Southeast Quarter of said Section 29; thence S 00°-26'-20" E, on and along the West line of said East Half, 2639.4 feet to the Southwest corner thereof; thence S 89°-22' E, on and along the South line of said East Half, being also the centerline of Butler Road, 1319.4 feet to the point of beginning, containing 114.308 acres of land and being subject to Hillegas Road and Butler Road right-of-way.

SECTION 2. This ordinance shall be in full force and effect from and after its passage and approval by the Mayor and legal publication thereof.

APPROVED AS TO FORM & LEGALITY

CITY ATTORNEY

Councilman

Read the first time in full and on motion by Nuckols, seconded by Hinga, and duly adopted, read the second time by title and referred to the Committee on Regulations and the City Plan ~~Commission for recommendation) and Public Hearing to be held after due legal notice,~~ at the ~~Council Chambers, City-County Building, Fort Wayne, Indiana, on~~ _____, the _____ day of _____, 197_____, at _____ o'clock P.M.,E.S.T.

Date: May 13, 1972

CITY CLERK

Read the third time in full and on motion by _____, seconded by _____, and duly adopted, placed on its passage. Passed (LOST) by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT	to-wit:
BURNS	_____	_____	_____	_____	
HINGA	_____	_____	_____	_____	
KRAUS	_____	_____	_____	_____	
MOSES	_____	_____	_____	_____	
NUCKOLS	_____	_____	_____	_____	
SCHMIDT, D.	_____	_____	_____	_____	
SCHMIDT, V.	_____	_____	_____	_____	
STIER	_____	_____	_____	_____	
TALARICO	_____	_____	_____	_____	

DATE: _____

CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (Zoning Map) (General) (Annexation) (Spacial) (Appropriation) Ordinance (Resolution) No. _____ on the _____ day of _____, 197___.

ATTEST: (SEAL)

CITY CLERK

PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the _____ day of _____, 197_____, at the hour of _____ o'clock _____ M.,E.S.T.

CITY CLERK

Approved and signed by me this _____ day of _____, 197___, at the hour of _____ o'clock _____ M.,E.S.T.

MAYOR

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on November 13, 1973, referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-73-11-35; and,

WHEREAS, the required notice of public hearing on such proposed ordinance was set for May 3, 1974, and public hearing to be held on May 13, 1974; and,

WHEREAS, the area known as the "Fringe Area" will be under the County Plan Commission's jurisdiction as of April 29, 1974; and,

WHEREAS, the property to be rezoned is located in the "Fringe Area";

NOW THEREFORE, BE IT RESOLVED that at their regular meeting of March 25, 1974, the City Plan Commission recommended that such proposed ordinance be withdrawn by the Petitioner, and resubmitted to the County Plan Commission;

BE IT FURTHER RESOLVED, a letter requesting WITHDRAWAL of the proposed ordinance has been filed with the City Plan Commission by the petitioner;

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held March 25, 1974.

Certified and signed this 8th day of April, 1974.

George H. Roser

George H. Roser
Secretary

Bill No. Z-73-11-35

REPORT OF THE COMMITTEE ON REGULATIONS

We, your Committee on Regulations to whom was referred an Ordinance amending the City of Fort Wayne Zoning Map No. FF11 and FF13

have had said Ordinance under consideration and beg leave to report back to the Common Council that said Ordinance Without Recommendation PASS.

John Nuckols - Chairman

Vivian G. Schmidt - Vice-Chairman

William T. Hinga

Paul M. Burns

Donald J. Schmidt

DATE 5-9-74 CONCURRED IN CHARLES W. WESTERMAN, CITY CLERK

Prescribed by State Board of Accounts

A.E. BOYCE CO., MUNCIE, IND. GENERAL FORM NO. 382

RECEIPT

No. 234

GENERAL FUND

FT. WAYNE, IND. 10/23 19 73

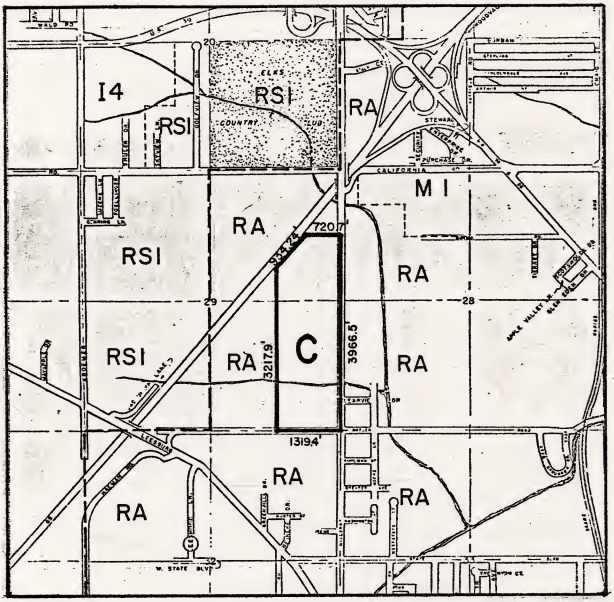
RECEIVED FROM Real American Corp. $ 50.00

THE SUM OF Fifty and 00/100 DOLLARS

ON ACCOUNT OF S.E. qt. of N.E. qt. Southeast of I-69

Bart Steele

AUTHORIZED SIGNATURE



C CHANGE FROM RA TO M2

Z-73-11-35

N

PAGES FF11 & FF13

DATE OCT 23, 1973

PETITION FOR ZONING ORDINANCE AMENDMENT

TO: COMMON COUNCIL OF THE
CITY OF FORT WAYNE, INDIANA

Receipt No. _____

Date Filed _____

Intended Use _____

I/We Realamerica Corp.
(Applicant's Name or Names)

do hereby petition your Honorable Body to amend the Zoning Map of Fort Wayne, Indiana, by reclassifying from a/an RA District to a/an M2 District the property described as follows:

See attached Legal Description

(Legal Description)

Date of transfer 3-3-77 bk #685 p. 165 & 166
(General Description for Planning Staff Use Only)

I/We, the undersigned, certify that I am/We are the owner(s) of fifty-one percentum (51%) or more of the property described in this petition.

Realamerica Corp.	2412 Fort Wayne Bank Building Fort Wayne, Indiana	by H. Duane Bobeck, Sec
JOHN R. OSWALD	6740 Quail Ridge Dr.	John R. Oswald
x Genevieve A. OSWALD	6740 Quail Ridge Dr.	Genevieve A. Oswald
(Name)	(Address)	(Signature)

Legal Description Checked By: _____
(City Engineer)

NOTE FOLLOWING RULES:

All requests for continuances or requests that ordinances be taken under advisement shall be filed in writing in the Office of the City Plan Commission by noon on the Wednesday preceding the meeting of the City Plan Commission at which the ordinance is to be considered. If the request for a continuance or advisement is filed within the required time, the matter will not be put on the agenda for that meeting. It shall be the obligation of the petitioner to notify the same property owners which the Plan Commission had notified by mail that the hearing has been postponed or rescheduled and inform them of the time and place of the meeting at which the ordinance will be considered. All withdrawals of ordinances must be made in writing prior to the Plan Commission's vote on the ordinance.

Name and address of preparer, attorney or agent:

H. Duane Bobeck	2412 Fort Wayne Bank Building Fort Wayne, Indiana 46802	422-7444
(Name)	(Address)	(Telephone Number)

City Plan Commission, City-County Building, Room 800, One Main Street, Fort Wayne, Indiana 46802 Telephone Number 423-7571

LEGAL DESCRIPTION

All of the Southeast Quarter of the Northeast Quarter Southeast of I-69 and all of the East Half of the Southeast Quarter of Section 29, Township 31 North, Range 12 East, Allen County, Indiana, more particularly described as follows, to wit:

Beginning at the Southeast corner of the Southeast Quarter of said Section 29; thence N 00°-39'-40" W, on and along the East line of said Southeast Quarter, being also the centerline of Hillegas Road, 2641.6 feet to the East Quarter corner of said Section 29; thence N 00°-49'-40" W, on and along the East line of the Southeast Quarter of the Northeast Quarter of said Section 29, continuing along the center line of Hillegas Road, 1324.9 feet to the Northeast corner of the Southeast Quarter of said Northeast Quarter; thence N 89°-41'-40" W, on and along the North line of the Southeast Quarter of said Northeast Quarter, 720.7 feet to the Southeasterly right-of-way of Interstate Highway 69; thence S 37°-52'-20" W, on and along said right-of-way, 934.24 feet to the West line of the Southeast Quarter of said Northeast Quarter; thence S 00°-25'-30" E, on and along said West line, 578.5 feet to the Northwest corner of the East Half of the Southeast Quarter of said Section 29; thence S 00°-26'-20" E, on and along the West line of said East Half, 2639.4 feet to the Southwest corner thereof; thence S 89°-22' E, on and along the South line of said East Half, being also the centerline of Butler Road, 1319.4 feet to the point of beginning, containing 114.308 acres of land and being subject to Hillegas Road and Butler Road right-of-way.

and

Part of the East Half of the Southeast Quarter of Section 29, Township 31 North, Range 12 East, Allen County, Indiana, more particularly described as follows, to wit:

Beginning at the Southeast corner of said Southeast Quarter; thence N 00°-39'-40" W, on and along said East line, being also the centerline of Hillegas Road, 576.6 feet; thence S 89°-20'-20" W, 1316.9 feet to the West line of the East Half of said Southeast Quarter; thence S 00°-26'-20" E, on and along said West line, 546.8 feet to the Southwest corner of said East Half; thence S 89°-22' E, on and along the South line of said Southeast Quarter, being also the centerline of Butler Road, 1319.4 feet to the point of beginning, containing 17.00 acres of land, subject to Hillegas Road and Butler Road right-of-way.

Realamerica corp.

2412 FORT WAYNE BANK BUILDING
FORT WAYNE, INDIANA 46802
PHONE (219) 422-7444

RECEIVED
APR 4 1974
FORT WAYNE CITY
PLAN COMMISSION

April 3, 1974

Mr. Gary F. Baeten
Land Use Administrator
The City of Fort Wayne
Office of the City Plan Commission
One Main Street
Fort Wayne, Indiana 46802

Dear Mr. Baeten:

In regard to your letter of April 1, 1974, we are hereby requesting the withdrawal of our petition for rezoning at Hillegas and Butler Road. This zoning was from RA to M2.

We would also like to withdraw our application for the use of the B-2 Shopping Center symbol at this same intersection.

Thank you for your cooperation.

Sincerely,

REALAMERICA CORP.

H. Duane Bobeck,
President

HDB/njm

Number assigned by Dave Keller's office: # 3267 Admn. Appr. [signature]

DIGEST SHEET

TITLE OF ORDINANCE Zoning Map Amendment Ordinance 3-73-11-35

DEPARTMENT REQUESTING ORDINANCE City Plan Commission

SYNOPSIS OF ORDINANCE Preparation of a zoning map amendment ordinance petition initiated by property owners to rezone property located as follows:

A parcel of ground containing 114 acres, more or less, located on the west side of Hillegas Road, north of Butler Road, and south-east of I-69.

From "RA" to "M2"

EFFECT OF PASSAGE Property is presently zoned "RA" - Suburban Residential. Petitioners are requesting an "M2" District - General Industrial

EFFECT OF NON-PASSAGE Property would remain suburban residential

MONEY INVOLVED (Direct Costs, Expenditures, Savings) none

ASSIGNED TO COMMITTEE (J.N.) Reg - WCC